

21 has been amended. Applicant respectfully traverses the rejection of claim 20 for the reasons advanced below. Claims 1, 3, 5-12, 14, 16 and 18-21 are currently pending in the instant application.

Initially, addressing the remaining formalistic rejections, claim 21 has been rejected under 35 U.S.C. §112, second paragraph for reciting "perovskite-like". The superconducting material of the present invention is actually "perovskite-like" in nature. If the material was completely "perovskite", it would no longer be superconductive. However, claim 21 has been amended to change "perovskite-like" to "layered perovskite structure". Support in the specification for this recitation is provided at page 6, line 20 and Figure 1. In addition, the Yoshida article submitted in the parent of the instant application refers to a "distorted" perovskite structure. Claim 21 should now be in a condition for allowance in view of the fact that claim 21 is already in independent form.

Claim 20 has been rejected under 35 U.S.C. §112, first and second paragraphs, as the claimed invention is allegedly not described in such terms as to enable one of skill to make or use the invention and for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Examiner believes the process conditions of sintering are not claimed, in that there is no guidance to one of skill as to the required sintering temperature to produce the claimed superconductor material. The Examiner believes that because the specification teaches that the sintering temperature is disclosed to be 900°C, then this temperature should be included in the claim.


Applicant respectfully traverses this rejection. The specification is not limited to only 900°C, but instead discloses a sintering temperature of 500°C to 1000°C, where 900°C is merely provided as an example. Therefore, claim 20 need not be amended to include a temperature range

and should be considered in a condition for allowance.

Claim 20 was also rejected under 35 U.S.C. §103 over Hanke et al., Waseleski et al, Brauer et al. and Ichikawa. The Examiner contends that, although the superconducting composition is allowable over the cited art, the process for forming the same is conventional, and is, therefore, obvious. Because the resulting superconducting composition is allowable, the amount of starting material required to obtain the final product is inherently recited and renders the resulting method unobvious in view of the fact that the cited art fails to disclose the composition recited in claim 16 from which claim 20 depends. Consequently, reconsideration and withdrawal of this rejection is respectfully requested.

In view of the foregoing, it is respectfully requested that the rejections of record be reconsidered and withdrawn, that claims 1, 3, 5-12, 14, 16 and 18-21 be allowed and that the application be passed to issue. If the Examiner believes a conference would be beneficial in expediting the prosecution in the instant application, she is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,


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